

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TESSERA, INC.,

No. C 12-692 CW

Plaintiff,

ORDER GRANTING
MOTION TO SEAL

v.

(Docket No. 194)

MOTOROLA, INC.; QUALCOMM, INC.;
FREESCALE SEMICONDUCTOR, INC.;
ATI TECHNOLOGIES, INC.; and ATI
TECHNOLOGIES ULC,

Defendants.

Defendant Qualcomm, Inc. moves on behalf of itself, Freescale Semiconductor, Inc., Advanced Micro Devices, Inc., ATI Technologies ULC, Spansion, Inc., Spansion Technology, Inc., Spansion, LLC, STMicroelectronics, Inc., and STMicroelectronics N.V. to seal to Exhibit A to the Declaration of David H. Dolkas in support of their motion for partial summary judgment and portions of their memorandum of points and authorities that cite and quote from Exhibit A. Exhibit A contains a license agreement entered into by Tessera, Inc. and third-party Motorola, Inc. Tessera and Motorola Mobility LLC, previously a segment of Motorola, Inc. and successor-in-interest to the rights of Motorola, Inc. under the license agreement, have submitted declarations in support of the motion to seal. See Docket Nos. 196 and 197.

The parties seek to seal records connected to a dispositive motion. To establish that the documents are sealable, the party who has designated them as confidential "must overcome a strong presumption of access by showing that 'compelling reasons

1 supported by specific factual findings . . . outweigh the general
2 history of access and the public policies favoring disclosure.'"
3 Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010)
4 (citation omitted). Cf. id. at 678 (explaining that a less
5 stringent "good cause" standard is applied to sealed discovery
6 documents attached to non-dispositive motions). This cannot be
7 established simply by showing that the document is subject to a
8 protective order or by stating in general terms that the material
9 is considered to be confidential, but rather must be supported by
10 a sworn declaration demonstrating with particularity the need to
11 file each document under seal. Civil Local Rule 79-5(a).

12 Motorola Mobility attests that public disclosure of the
13 license agreement would place it a competitive disadvantage in
14 entering into future license agreements by providing others in the
15 market with "information that they would otherwise not have about
16 Motorola Mobility's licensing terms and practices that would
17 provide" them with "a strategic negotiation advantage." Miller
18 Decl. ¶ 8. It further attests that it operates in a "highly
19 competitive market" and that public disclosure would give its
20 competitors information about its licensing practices and "insight
21 regarding costs associated with Motorola Mobility's products" that
22 would grant the competitors a "strategic advantage in terms of
23 competing against Motorola Mobility in the market." Id. at ¶ 9.

24 Having reviewed Exhibit A and the memorandum of points and
25 authorities, the Court concludes that Motorola Mobility has
26 established that Exhibit A and the references thereto in the
27 memorandum are sealable. Accordingly, Qualcomm's motion to file
28 under seal is GRANTED (Docket No. 194). Within three days of the

1 date of this Order, Qualcomm shall electronically file under seal
2 Exhibit A and the unredacted memorandum of points and authorities
3 and shall file the redacted memorandum in the public record.

4 IT IS SO ORDERED.

5
6 Dated: 8/10/2012


CLAUDIA WILKEN
United States District Judge

United States District Court
For the Northern District of California